



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,792	12/28/2000	Zhong-Ning (George) Cai	2207/10615	6261
23838	7590	08/12/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			CHEN, TSE W	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

<b>Advisory Action</b>	<b>Application No.</b> 09/749,792	<b>Applicant(s)</b> CAI, ZHONG-NING (GEORGE)	
	<b>Examiner</b> Tse Chen	<b>Art Unit</b> 2116	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**Best Available Copy**

**REHANA PERVEEN  
PRIMARY EXAMINER**

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments with respect to claims 1, 7, and 12 haven been fully considered but they are not persuasive. Applicant has argued that Ko do not suggest "determining a level of sensitivity" as required by the claims. The Examiner respectfully disagrees. As set forth at least in col.7, ll.7-16 and col.8, ll.1-12, Ko discloses using a performance demanding level input [data input of duty cycle meter 43] to determine a level of sensitivity [based on data input of duty cycle meter 43] for frequency reduction by the following steps: (1) set duty cycle meter 43 to data input indicating performance demanding level or level of sensitivity for frequency reduction (2) duty cycle meter will then increment/decrement {based on implementation} until the value of the data input is reached (3) when the value of the data input is reached, signal 65 is then issued to clock scaler/selector 45 to affect frequency. Thus, if the data input [performance demanding level or level of sensitivity for frequency reduction] is an aggressive 32 [50% of maximum 64 clock cycles in Ko], then the duty cycle meter will have to count relatively faster [shorter] to match up with the data input value to achieve the resultant aggressive level of sensitivity for frequency reduction [reduce 32 out of every 64 cycles]. Likewise, if a less aggressive level of sensitivity for frequency reduction is desired, the data input can be set to 63 where the duty cycle meter would have to count relatively slower [longer] to achieve the less aggressive level of sensitivity for frequency reduction [reduce 1 out of every 64 cycles], then the data input can be set to 62 and so on until the desired frequency is reached as shown in figure 5. Therefore, as demonstrated above, Ko does disclose "determining a level of sensitivity" according to the claim terminology, which did not state "consisting a [one single] performance demanding level input", but "including a performance demanding level input" which may be interpreted as more than one input to determine the level of sensitivity for frequency reduction.

Best Available Copy